

ASSEMBLY, No. 1112

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

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SYNOPSIS

Enters New Jersey into Interstate Medical Licensure Compact.

CURRENT VERSION OF TEXT

As reported by the Assembly Health Committee with technical review.



(Sponsorship Updated As Of: 12/2/2021)

1 **AN ACT** entering New Jersey into the Interstate Medical Licensure
2 Compact and supplementing Title 45 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. The State of New Jersey enacts and enters into the Interstate
8 Medical Licensure Compact with all other jurisdictions that legally
9 join the compact in the form substantially as follows:

10
11 Section 1. Purpose.

12
13 In order to strengthen access to health care, and in recognition of
14 the advances in the delivery of health care, the member states of the
15 Interstate Medical Licensure Compact have allied in common
16 purpose to develop a comprehensive process that complements the
17 existing licensing and regulatory authority of state medical boards
18 and provides a streamlined process that allows physicians to
19 become licensed in multiple states, thereby enhancing the
20 portability of a medical license and ensuring the safety of patients.
21 The compact creates another pathway for licensure and does not
22 otherwise change a state’s existing medical practice act. The
23 compact also adopts the prevailing standard for licensure and
24 affirms that the practice of medicine occurs where the patient is
25 located at the time of the physician-patient encounter, and therefore
26 requires the physician to be under the jurisdiction of the state
27 medical board where the patient is located. State medical boards
28 that participate in the compact retain the jurisdiction to impose an
29 adverse action against a license to practice medicine in that state
30 issued to a physician through the procedures in the compact.

31
32 Section 2. Definitions.

33
34 As used in this compact:

35 a. “Bylaws” means the bylaws established by the Interstate
36 Commission pursuant to section 11 of this compact for its
37 governance, or for directing and controlling its actions and conduct.

38 b. “Commissioner” means the voting representative appointed
39 by each member board pursuant to section 11 of this compact.

40 c. “Conviction” means a finding by a court that an individual is
41 guilty of a criminal offense through adjudication, or entry of a plea
42 of guilt or no contest to the charge by the offender. Evidence of an
43 entry of a conviction of a criminal offense by the court shall be
44 considered final for purposes of disciplinary action by a member
45 board.

46 d. “Expedited license” means a full and unrestricted medical
47 license granted by a member state to an eligible physician through
48 the process set forth in the compact.

- 1 e. “Interstate Commission” means the Interstate Medical
2 Licensure Compact Commission created pursuant to section 11 of
3 this compact.
- 4 f. “License” means authorization by a state for a physician to
5 engage in the practice of medicine, which would be unlawful
6 without the authorization.
- 7 g. “Medical practice act” means laws and regulations
8 governing the practice of allopathic and osteopathic medicine
9 within a member state.
- 10 h. “Member board” means a state agency in a member state
11 that acts in the sovereign interests of the state by protecting the
12 public through licensure, regulation, and education of physicians as
13 directed by the state government.
- 14 i. “Member state” means a state that has enacted the compact.
- 15 j. “Practice of medicine” means the clinical prevention,
16 diagnosis, or treatment of human disease, injury, or condition
17 requiring a physician to obtain and maintain a license in compliance
18 with the medical practice act of a member state.
- 19 k. “Physician” means any person who:
- 20 (1) Is a graduate of a medical school accredited by the Liaison
21 Committee on Medical Education, the Commission on Osteopathic
22 College Accreditation, or a medical school listed in the
23 International Medical Education Directory or its equivalent;
- 24 (2) Passed each component of the United States medical
25 Licensing Examination (USMLE) or the Comprehensive
26 Osteopathic Medical Licensing Examination (COMLEX-USA)
27 within three attempts, or any of its predecessor examinations
28 accepted by a state medical board as an equivalent examination for
29 licensure purposes;
- 30 (3) Successfully completed graduate medical education
31 approved by the Accreditation Council for Graduate Medical
32 Education or the American Osteopathic Association;
- 33 (4) Holds specialty certification or a time-unlimited specialty
34 certificate recognized by the American Board of Medical
35 Specialties or the American Osteopathic Association’s Bureau of
36 Osteopathic Specialists;
- 37 (5) Possesses a full and unrestricted license to engage in the
38 practice of medicine issued by a member board;
- 39 (6) Has never been convicted, received adjudication, deferred
40 adjudication, community supervision, or deferred disposition for
41 any offense by a court of appropriate jurisdiction;
- 42 (7) Has never held a license authorizing the practice of medicine
43 subjected to discipline by a licensing agency in any state, federal, or
44 foreign jurisdiction, excluding any action related to non-payment of
45 fees related to a license;
- 46 (8) Has never had a controlled substance license or permit
47 suspended or revoked by a state or the United States Drug
48 Enforcement Administration; and

1 (9) Is not under active investigation by a licensing agency or
2 law enforcement authority in any state, federal, or foreign
3 jurisdiction.

4 l. "Offense" means a felony, gross misdemeanor, or crime of
5 moral turpitude.

6 m. "Rule" means a written statement by the Interstate
7 Commission promulgated pursuant to section 12 of this compact
8 that is of general applicability, implements, interprets, or prescribes
9 a policy or provision of the compact, or an organizational,
10 procedural, or practice requirement of the Interstate Commission,
11 and has the force and effect of statutory law in a member state, and
12 includes the amendment, repeal, or suspension of an existing rule.

13 n. "State" means any state, commonwealth, district, or territory
14 of the United States.

15 o. "State of principal license" means a member state where a
16 physician holds a license to practice medicine and which has been
17 designated as such by the physician for purposes of registration and
18 participation in the compact.

19
20 Section 3. Eligibility.

21
22 a. A physician shall meet the eligibility requirements specified
23 in subsection k. of section 2 of this compact to receive an expedited
24 license under the terms and provisions of the compact.

25 b. A physician who does not meet the eligibility requirements
26 set forth in subsection k. of section 2 of this compact may obtain a
27 license to practice medicine in a member state if the individual
28 complies with all laws and requirements, other than the compact,
29 related to the issuance of a license to practice medicine in that state.

30
31 Section 4. Designation of State of Principal License.

32
33 a. A physician shall designate a member state as the state of
34 principal license for purposes of registration for expedited licensure
35 through the compact if the physician possesses a full and
36 unrestricted license to practice medicine in that state, and the state
37 is:

38 (1) the state of primary residence for the physician;

39 (2) the state where at least 25 percent of the physician's practice
40 of medicine occurs;

41 (3) the location of the physician's employer; or

42 (4) if no state qualifies under paragraphs (1) through (3) of this
43 subsection, the state designated as the physician's state of residence
44 for federal income tax purposes.

45 b. A physician may redesignate a member state as the
46 physician's state of principal license at any time, provided the state
47 meets the requirements for designation set forth in subsection a. of
48 this section.

1 c. The Interstate Commission is authorized to develop rules to
2 facilitate redesignation of another member state as the physician's
3 state of principal license.

4
5 Section 5. Application and Issuance of Expedited Licensure.

6
7 a. A physician seeking licensure through the compact shall file
8 an application for an expedited license with the member board of
9 the state selected by the physician as the physician's state of
10 principal license.

11 b. Upon receipt of an application for an expedited license, the
12 member board within the state selected as the physician's state of
13 principal license shall evaluate whether the physician is eligible for
14 expedited licensure and issue a letter of qualification to the
15 Interstate Commission verifying or denying the physician's
16 eligibility.

17 (1) Static qualifications, which include verification of medical
18 education, graduate medical education, results of any medical or
19 licensing examination, and other qualifications as determined by the
20 Interstate Commission through rule, shall not be subject to
21 additional primary source verification where already primary source
22 verified by the physician's state of principal license.

23 (2) The member board within the state selected as the
24 physician's state of principal license shall, in the course of verifying
25 eligibility, perform a criminal background check of an applicant,
26 including the use of the results of fingerprint or other biometric data
27 checks compliant with the requirements of the Federal Bureau of
28 Investigation, with the exception of federal employees who have
29 suitability determination in accordance with 5 CFR 731.202.

30 (3) Appeal on the determination of eligibility shall be made to
31 the member state where the application was filed and shall be
32 subject to the law of that state.

33 c. Upon verification of a physician's eligibility for expedited
34 licensure pursuant to subsection b. of this section, the physician
35 shall complete the registration process established by the Interstate
36 Commission to receive a license in a member state selected
37 pursuant to subsection a. of this section, including the payment of
38 any applicable fees.

39 d. Upon receiving verification of a physician's eligibility for
40 expedited licensure pursuant to subsection b. of this section and
41 payment of any applicable fees pursuant to subsection c. of this
42 section, a member board shall issue an expedited license to the
43 physician. The license shall authorize the physician to practice
44 medicine in the issuing state consistent with the medical practice at
45 and all applicable laws and regulations of the issuing member board
46 and member state.

47 e. An expedited license shall be valid for a period consistent
48 with the licensure period in the member state and in the same

1 manner as required for other physicians holding a full and
2 unrestricted license within the member state.

3 f. An expedited license obtained through the compact shall be
4 terminated if the physician fails to maintain a license in the
5 physician's state of principal licensure for a non-disciplinary
6 reason, without redesignation of a new state of principal licensure.

7 g. The Interstate Commission is authorized to develop rules
8 regarding the application process, including payment of any
9 applicable fees and the issuance of an expedited license.

10
11 Section 6. Fees for Expedited Licensure.

12
13 a. A member state issuing an expedited license authorizing the
14 practice of medicine in that state may impose a fee for a license
15 issued or renewed through the compact.

16 b. The Interstate Commission is authorized to develop rules
17 regarding fees for expedited licenses.

18
19 Section 7. Renewal and Continued Participation.

20
21 a. A physician seeking to renew an expedited license granted in
22 a member state shall complete a renewal process with the Interstate
23 Commission if the physician:

24 (1) Maintains a full and unrestricted license in a state of
25 principal license;

26 (2) Has not been convicted, received adjudication, deferred
27 adjudication, community supervision, or deferred disposition for
28 any offense by a court of appropriate jurisdiction;

29 (3) Has not had a license authorizing the practice of medicine
30 subject to discipline by a licensing agency in any state, federal, or
31 foreign jurisdiction, excluding any action related to non-payment of
32 fees related to a license; and

33 (4) Has not had a controlled substance license or permit
34 suspended or revoked by a state or the United States Drug
35 Enforcement Administration.

36 b. Physicians shall comply with all continuing professional
37 development or continuing medical education requirements for
38 renewal of a license issued by a member state.

39 c. The Interstate Commission shall collect any renewal fees
40 charged for the renewal of a license and distribute the fees to the
41 applicable member board.

42 d. Upon receipt of any renewal fees collected pursuant to
43 subsection c. of this section, a member board shall renew the
44 physician's license.

45 e. Physician information collected by the Interstate
46 Commission during the renewal process will be distributed to all
47 member boards.

1 f. The Interstate Commission is authorized to develop rules to
2 address renewal of licenses obtained through the compact.

3
4 Section 8. Coordinated Information System.

5
6 a. The Interstate Commission shall establish a database of all
7 physicians licensed, or who have applied for licensure, pursuant to
8 section 5 of this compact.

9 b. Notwithstanding any other provision of law, member boards
10 shall report to the Interstate Commission any public action or
11 complaints against a licensed physician who has applied for or
12 received an expedited license through the compact.

13 c. Member boards shall report disciplinary or investigatory
14 information determined as necessary and proper by rule of the
15 Interstate Commission.

16 d. Member boards may report any non-public complaint,
17 disciplinary, or investigatory information not required pursuant to
18 subsection c. of this section.

19 e. Member boards shall share complaint or disciplinary
20 information about a physician upon request of another member
21 board.

22 f. All information provided to the Interstate Commission or
23 distributed by member boards shall be confidential, filed under seal,
24 and used only for investigatory or disciplinary matters.

25 g. The Interstate Commission is authorized to develop rules for
26 mandated or discretionary sharing of information by member
27 boards.

28
29 Section 9. Joint Investigations.

30
31 a. Licensure and disciplinary records of physicians are deemed
32 investigative.

33 b. In addition to the authority granted to a member board by its
34 respective medical practice act or other applicable state law, a
35 member board may participate with other member boards in joint
36 investigations of physicians licensed by the member boards.

37 c. A subpoena issued by a member state shall be enforceable in
38 other member states.

39 d. Member boards may share any investigative, litigation, or
40 compliance materials in furtherance of any joint or individual
41 investigation initiated under the compact.

42 e. Any member state may investigate actual or alleged
43 violations of the statutes authorizing the practice of medicine in any
44 other member state in which a physician holds a license to practice
45 medicine.

46
47 Section 10. Disciplinary Actions.

- 1 a. Any disciplinary action taken by any member board against
2 a physician licensed through the compact shall be deemed
3 unprofessional conduct which may be subject to discipline by other
4 member boards, in addition to any violation of the medical practice
5 act or regulations in that state.
- 6 b. If a license granted to a physician by the member board in
7 the state of principal license is revoked, surrendered, or
8 relinquished in lieu of discipline, or suspended, then all licenses
9 issued to the physician by member boards shall automatically be
10 placed, without further action necessary by any member board, on
11 the same status. If the member board in the state of principal
12 license subsequently reinstates the physician's license, a license
13 issued to the physician by any other member board shall remain
14 encumbered until that respective member board takes action to
15 reinstate the license in a manner consistent with the medical
16 practice act of that state.
- 17 c. If disciplinary action is taken against a physician by a
18 member board not in the state of principal license, any other
19 member board may deem the action conclusive as to matter of law
20 and fact decided, and:
- 21 (1) impose the same or a lesser sanction against the physician,
22 provided that the sanction is consistent with the medical practice act
23 of that state; or
- 24 (2) pursue separate disciplinary action against the physician
25 under its respective medical practice act, regardless of the action
26 taken in other member states.
- 27 d. If a license granted to a physician by a member board is
28 revoked, surrendered, or relinquished in lieu of discipline, or
29 suspended, then any license issued to the physician by any other
30 member board shall be suspended, automatically and immediately
31 without further action necessary by the other member board, for 90
32 days upon entry of the order by the disciplining board, to permit the
33 member board to investigate the basis for the action under the
34 medical practice act of that state. A member board may terminate
35 the automatic suspension of the license it issued prior to the
36 completion of the 90 day suspension period in a manner consistent
37 with the medical practice act of that state.
- 38
- 39 Section 11. Interstate Medical Licensure Compact Commission.
- 40
- 41 a. The member states hereby create the "Interstate Medical
42 Licensure Compact Commission."
- 43 b. The purpose of the Interstate Commission is the
44 administration of the Interstate Medical Licensure Compact, which
45 is a discretionary state function.
- 46 c. The Interstate Commission shall be a body corporate and
47 joint agency of the member states and shall have all the
48 responsibilities, powers, and duties set forth in the compact, and

1 such additional powers as may be conferred upon it by a subsequent
2 concurrent action of the respective legislatures of the member states
3 in accordance with the terms of the compact.

4 d. The Interstate Commission shall consist of two voting
5 representatives appointed by each member state, who shall serve as
6 commissioners. In states where allopathic and osteopathic
7 physicians are regulated by separate member boards, or if the
8 licensing and disciplinary authority is split between multiple
9 member boards within a member state, the member state shall
10 appoint one representative from each member board. Each
11 commissioner shall be:

12 (1) an allopathic or osteopathic physician appointed to a
13 member board;

14 (2) an executive director, executive secretary, or similar
15 executive of a member board; or

16 (3) a member of the public appointed to a member board.

17 e. The Interstate Commission shall meet at least once each
18 calendar year. A portion of the meeting shall be a business meeting
19 to address such matters as may properly come before the
20 commission, including the election of officers. The chairperson
21 may call additional meetings and shall call for a meeting upon the
22 request of a majority of the member states.

23 f. The bylaws may provide for meetings of the Interstate
24 Commission to be conducted by telecommunication or electronic
25 communication.

26 g. Each commissioner participating at a meeting of the
27 Interstate Commission is entitled to one vote. A majority of
28 commissioners shall constitute a quorum for the transaction of
29 business, unless a larger quorum is required by the bylaws of the
30 Interstate Commission. A commissioner shall not delegate a vote to
31 another commissioner. In the absence of its commissioner, a
32 member state may delegate voting authority for a specified meeting
33 to another person from that state who meets the requirements to
34 serve as a commissioner pursuant to subsection d. of this section.

35 h. The Interstate Commission shall provide public notice of all
36 meetings and all meeting shall be open to the public. The Interstate
37 Commission may close a meeting in full or in part, where it
38 determines by a two-thirds vote of the commissioners present that
39 an open meeting would be likely to:

40 (1) Relate solely to the internal personnel practices and
41 procedures of the Interstate Commission;

42 (2) Discuss matters specifically exempted from disclosure by
43 federal statute;

44 (3) Discuss trade secrets or commercial or financial information
45 that is privileged or confidential;

46 (4) Involve accusing a person of a crime, or formally censuring
47 a person;

- 1 (5) Discuss information of a personal nature where disclosure
2 would constitute a clearly unwarranted invasion of personal
3 privacy;
- 4 (6) Discuss investigative records compiled for law enforcement
5 purposes; or
- 6 (7) Specifically relate to the participation in a civil action or
7 other legal proceeding.
- 8 i. The Interstate Commission shall keep minutes, which shall
9 fully describe all matters discussed in a meeting and shall provide a
10 full and accurate summary of actions taken, including a record of
11 any roll call votes.
- 12 j. The Interstate Commission shall make its information and
13 official records, to the extent not otherwise designated in the
14 compact or by its rules, available to the public for inspection.
- 15 k. The Interstate Commission shall establish an executive
16 committee, which shall include officers, members, and others as
17 determined by the bylaws. The executive committee shall have the
18 power to act on behalf of the Interstate Commission, with the
19 exception of rulemaking, during periods when the Interstate
20 Commission is not in session. When acting on behalf of the
21 Interstate Commission, the executive committee shall oversee the
22 administration of the compact, including enforcement and
23 compliance with the provisions of the compact, its bylaws and
24 rules, and other such duties as may be necessary.
- 25 l. The Interstate Commission may establish other committees
26 for governance and administration of the compact.

27

28 Section 12. Powers and Duties of the Interstate Commission.

29

30 The Interstate Commission shall have the duty and power to:

- 31 a. Oversee and maintain the administration of the compact;
- 32 b. Promulgate rules, which shall be binding to the extent and in
33 the manner provided for in the compact;
- 34 c. Issue, upon the request of a member state or member board,
35 advisory opinions concerning the meaning or interpretation of the
36 compact and its bylaws, rules, and actions;
- 37 d. Enforce compliance with compact provisions, the rules
38 promulgated by the Interstate Commission, and the bylaws, using
39 all necessary and proper means, including, but not limited to, the
40 use of judicial process;
- 41 e. Establish and appoint committees, including, but not limited
42 to, an executive committee as required pursuant to section 11 of this
43 compact, which shall have the power to act on behalf of the
44 Interstate Commission in carrying out its powers and duties;
- 45 f. Pay, or provide for the payment of, the expenses related to
46 the establishment, organization, and ongoing activities of the
47 Interstate Commission;

- 1 g. Establish and maintain one or more offices;
- 2 h. Borrow, accept, hire, or contract for services of personnel;
- 3 i. Purchase and maintain insurance and bonds;
- 4 j. Employ an executive director, who shall have the power to
- 5 employ, select, or appoint employees, agents, or consultants, and to
- 6 determine their qualifications, define their duties, and fix their
- 7 compensation;
- 8 k. Establish personnel policies and programs relating to
- 9 conflicts of interest, rates of compensation, and qualifications of
- 10 personnel;
- 11 l. Accept donations and grants of money, equipment, supplies,
- 12 materials, and services, and to receive, utilize, and dispose of the
- 13 same in a manner consistent with the conflict of interest policies
- 14 established by the Interstate Commission;
- 15 m. Lease, purchase, accept contributions or donations of, or
- 16 otherwise own, hold, improve, or use any real or personal property;
- 17 n. Sell, convey, mortgage, pledge, lease, exchange, abandon,
- 18 or otherwise dispose of any real or personal property;
- 19 o. Establish a budget and make expenditures;
- 20 p. Adopt a seal and bylaws governing the management and
- 21 operation of the Interstate Commission;
- 22 q. Report annually to the legislatures and governors of the
- 23 member states concerning the activities of the Interstate
- 24 Commission during the preceding year. Such reports shall also
- 25 include reports of financial audits and any recommendations that
- 26 may have been adopted by the Interstate Commission;
- 27 r. Coordinate education, training, and public awareness
- 28 regarding the compact, its implementation, and its operation;
- 29 s. Maintain records in accordance with the bylaws;
- 30 t. Seek and obtain trademarks, copyrights, and patents; and
- 31 u. Perform such functions as may be necessary or appropriate
- 32 to achieve the purposes of the compact.

33

34 Section 13. Finance Powers.

35

- 36 a. The Interstate Commission may levy on and collect an
- 37 annual assessment from each member state to cover the cost of the
- 38 operations and activities of the Interstate Commission and its staff.
- 39 The total assessment shall be sufficient to cover the annual budget
- 40 approved each year for which revenue is not provided by other
- 41 sources. The aggregate annual assessment amount shall be
- 42 allocated upon a formula to be determined by the Interstate
- 43 Commission, which shall promulgate a rule binding upon all
- 44 member states.
- 45 b. The Interstate Commission shall not incur obligations of any
- 46 kind prior to securing the funds adequate to meet the same.

1 c. The Interstate Commission shall not pledge the credit of any
2 of the member states, except by, and with the authority of, the
3 member state.

4 d. The Interstate Commission shall be subject to a yearly
5 financial audit conducted by a certified or licensed public
6 accountant and the report of the audit shall be included in the
7 Interstate Commission's annual report.

8
9 Section 14. Organization and Operation of the Interstate
10 Commission.

11
12 a. The Interstate Commission shall, within 12 months of the
13 first Interstate Compact meeting and by a majority of
14 commissioners present and voting, adopt bylaws to govern its
15 conduct as may be necessary or appropriate to carry out the
16 purposes of the compact.

17 b. The Interstate Commission shall elect or appoint annually
18 from among its commissioners a chairperson, a vice-chairperson,
19 and a treasurer, each of whom shall have such authority and duties
20 as may be specified in the bylaws. The chairperson, or in the
21 chairperson's absence or disability, the vice-chairperson, shall
22 preside at all meetings of the Interstate Commission.

23 c. Officers selected pursuant to subsection b. of this section
24 shall serve without remuneration from the Interstate Commission.

25 d. The officers and employees of the Interstate Commission
26 shall be immune from suit and liability, either personally or in their
27 official capacity, for a claim for damage to or loss of property or
28 personal injury or other civil liability caused or arising out of, or
29 relating to, an actual or alleged act, error, or omission that occurred,
30 or that such person has a reasonable basis for believing occurred,
31 within the scope of Interstate Commission employment, duties, or
32 responsibilities; provided that such person shall not be protected
33 from suit or liability for damage, loss, injury, or liability caused by
34 the intentional or willful and wanton misconduct of such person.

35 (1) The liability of the executive director and employees of the
36 Interstate Commission or representatives of the Interstate
37 Commission, acting within the scope of such person's employment
38 or duties for acts, errors, or omissions occurring within such
39 person's state, may not exceed the limits of liability set forth under
40 the constitution and laws of that state for state officials, employees,
41 and agents. The Interstate Commission is considered to be an
42 instrumentality of the states for the purposes of any such action.
43 Nothing in this subsection shall be construed to protect such person
44 from suit or liability for damage, loss, injury, or liability caused by
45 the intentional or willful and wanton misconduct of such person.

46 (2) The Interstate Commission shall defend the executive
47 director and its employees and, subject to the approval of the
48 attorney general or other appropriate legal counsel of the member

1 state represented by an Interstate Commission representative, shall
2 defend such Interstate Commission representative in any civil
3 action seeking to impose liability arising out of an actual or alleged
4 act, error, or omission that occurred within the scope of Interstate
5 Commission employment, duties, or responsibilities, or that the
6 defendant had a reasonable basis for believing occurred within the
7 scope of Interstate Commission employment, duties, or
8 responsibilities, provided that the actual or alleged act, error, or
9 omission did not result from intentional or willful and wanton
10 misconduct on the part of such person.

11 (3) To the extent not covered by the state involved, member
12 state, or the Interstate Commission, the representatives or
13 employees of the Interstate Commission shall be held harmless in
14 the amount of a settlement or judgment, including attorney's fees
15 and costs, obtained against such person arising out of an actual or
16 alleged act, error, or omission that occurred within the scope of
17 Interstate Commission employment, duties, or responsibilities, or
18 that such persons had a reasonable basis for believing occurred
19 within the scope of Interstate Commission employment, duties, or
20 responsibilities, provided that the actual or alleged act, error, or
21 omission did not result from intentional or willful and wanton
22 misconduct on the part of such persons.

23

24 Section 15. Rulemaking Functions of the Interstate Commission.

25

26 a. The Interstate Commission shall promulgate reasonable rules
27 in order to effectively and efficiently achieve the purposes of the
28 Compact. Notwithstanding the foregoing, in the event the Interstate
29 Commission exercises its rulemaking authority in a manner that is
30 beyond the scope of the purposes of the compact, or the powers
31 granted hereunder, then such an action by the Interstate
32 Commission shall be invalid and have no force or effect.

33 b. Rules deemed appropriate for the operations of the Interstate
34 Commission shall be made pursuant to a rulemaking process that
35 substantially conforms to the "Model State Administrative
36 Procedure Act" of 2010, and subsequent amendments thereto.

37 c. No later than 30 days after a rule is promulgated, any person
38 may file a petition for judicial review of the rule in the United
39 States District Court for the District of Columbia or the federal
40 district where the Interstate Commission has its principal offices,
41 provided that the filing of such a petition shall not stay or otherwise
42 prevent the rule from becoming effective unless the court finds that
43 the petitioner has a substantial likelihood of success. The court
44 shall give deference to the actions of the Interstate Commission
45 consistent with applicable law and shall not find the rule to be
46 unlawful if the rule represents a reasonable exercise of the authority
47 granted to the Interstate Commission.

1 Section 16. Oversight of the Interstate Compact.

2

3 a. The executive, legislative, and judicial branches of state
4 government in each member state shall enforce the compact and
5 shall take all actions necessary and appropriate to effectuate the
6 purposes and intent of the compact. The provisions of the compact
7 and the rules promulgated hereunder shall have standing as
8 statutory law but shall not override existing state authority to
9 regulate the practice of medicine.

10 b. All courts shall take judicial notice of the compact and the
11 rules in any judicial or administrative proceeding in a member state
12 pertaining to the subject matter of the compact which may affect the
13 powers, responsibilities, or actions of the Interstate Commission.

14 c. The Interstate Commission shall be entitled to receive all
15 service of process in any such proceeding, and shall have standing
16 to intervene in the proceeding for all purposes. Failure to provide
17 service of process to the Interstate Commission shall render a
18 judgment or order void as to the Interstate Commission, the
19 compact, or promulgated rules.

20

21 Section 17. Enforcement of Interstate Compact.

22

23 a. The Interstate Commission, in the reasonable exercise of its
24 discretion, shall enforce the provisions and rules of the compact.

25 b. The Interstate Commission may, by majority vote of the
26 commissioners, initiate legal action in the United States District
27 Court for the District of Columbia, or, at the discretion of the
28 Interstate Commission, in the federal district where the Interstate
29 Commission has its principal offices, to enforce compliance with
30 the provisions of the Compact, and its promulgated rules and
31 bylaws, against a member state in default. The relief sought may
32 include both injunctive relief and damages. In the event judicial
33 enforcement is necessary, the prevailing party shall be awarded all
34 costs of such litigation, including reasonable attorney's fees.

35 c. The remedies herein shall not be the exclusive remedies of
36 the Interstate Commission. The Interstate Commission may avail
37 itself of any other remedies available under state law or the
38 regulation of a profession.

39

40 Section 18. Default Procedures.

41

42 a. The grounds for default include, but are not limited to,
43 failure of a member state to perform such obligations or
44 responsibilities imposed on it by the compact or the rules and
45 bylaws of the Interstate Commission promulgated under the
46 compact.

47 b. If the Interstate Commission determines that a member state
48 has defaulted in the performance of its obligations or

- 1 responsibilities under the compact, or the bylaws or promulgated
2 rules, the Interstate Commission shall:
- 3 (1) Provide written notice to the defaulting state and other
4 member states of the nature of the default, the means of curing the
5 default, and any action taken by the Interstate Commission. The
6 Interstate Commission shall specify the conditions by which the
7 defaulting state shall cure its default; and
- 8 (2) Provide remedial training and specific technical assistance
9 regarding the default.
- 10 c. If the defaulting state fails to cure the default, the defaulting
11 state shall be terminated from the compact upon an affirmative vote
12 of a majority of the commissioners and all rights, privileges, and
13 benefits conferred by the compact shall terminate on the effective
14 date of termination. A cure of the default does not relieve the
15 offending state of obligations or liabilities incurred during the
16 period of the default.
- 17 d. Termination of membership in the compact shall be imposed
18 only after all other means of securing compliance have been
19 exhausted. Notice of intent to terminate shall be given by the
20 Interstate Commission to the governor, the majority and minority
21 leaders of the defaulting state's legislature, and each of the member
22 states.
- 23 e. The Interstate Commission shall establish rules and
24 procedures to address licenses and physicians that are materially
25 affected by the termination of a member state or the withdrawal of a
26 member state.
- 27 f. The member state which has been terminated is responsible
28 for all dues, obligations, and liabilities incurred through the
29 effective date of termination, including any obligations for which
30 the performance of the obligation extends beyond the effective date
31 of termination.
- 32 g. The Interstate Commission shall not bear any costs relating
33 to any state that has been found to be in default or which has been
34 terminated from the compact, unless otherwise mutually agreed
35 upon in writing between the Interstate Commission and the
36 defaulting state.
- 37 h. The defaulting state may appeal the action of the Interstate
38 Commission by petitioning the United States District Court for the
39 District of Columbia or the federal district where the Interstate
40 Commission has its principal offices. The prevailing party shall be
41 awarded all costs of such litigation, including reasonable attorney's
42 fees.

43
44 Section 19. Dispute Resolution.

- 45
46 a. The Interstate Commission shall attempt, upon the request of
47 a member state, to resolve disputes which are subject to the

1 compact and which may arise among member states or member
2 boards.

3 b. The Interstate Commission shall promulgate rules providing
4 for both mediation and binding dispute resolution, as appropriate.

5

6 Section 20. Member States, Effective Date, and Amendment.

7

8 a. Any state is eligible to become a member state of the
9 compact.

10 b. The compact shall become effective and binding upon
11 legislative enactment of the compact into law by no less than seven
12 states. Thereafter, it shall become effective and binding on a state
13 upon enactment of the compact into law by that state.

14 c. The governors of non-member states, or their designees,
15 shall be invited to participate in the activities of the Interstate
16 Compact on a non-voting basis prior to adoption of the compact by
17 all states.

18 d. The Interstate Commission may propose amendments to the
19 compact for enactment by member states. No amendment shall
20 become effective and binding upon the Interstate Commission and
21 the member states unless and until it is enacted into law by
22 unanimous consent of the member states.

23

24 Section 21. Withdrawal.

25

26 a. Once effective, the compact shall continue in force and
27 remain binding upon each and every member state; provided that a
28 member state may withdraw from the compact by specifically
29 repealing the statute that enacted the compact into law.

30 b. Withdrawal from the compact shall be by the enactment of a
31 statute repealing the same, but shall not take effect until one year
32 after the effective date of such statute and until written notice of the
33 withdrawal has been given by the withdrawing state to the governor
34 of each member state.

35 c. The withdrawing state shall immediately notify the
36 chairperson of the Interstate Commission in writing upon the
37 introduction of legislation repealing the compact in the withdrawing
38 state.

39 d. The Interstate Commission shall notify the other member
40 states of the withdrawing state's intent to withdraw within 60 days
41 after receiving notice provided pursuant to subsection c. of this
42 section.

43 e. The withdrawing state shall be responsible for all dues,
44 obligations, and liabilities incurred through the effective date of
45 withdrawal, including any obligations for which the performance of
46 the obligation extends beyond the effective date of withdrawal.

1 f. Reinstatement following withdrawal of a member state shall
2 occur upon the withdrawing state reenacting the compact or upon
3 such later date as determined by the Interstate Commission.

4 g. The Interstate Commission shall be authorized to develop
5 rules to address the effect of withdrawal of a member state on
6 licenses granted in other member states to physicians who
7 designated the withdrawing member state as the state of principal
8 licensure.

9
10 Section 22. Dissolution.

11
12 a. The compact shall dissolve effective upon the date of the
13 withdrawal or default of the member state which reduces the
14 membership in the compact to one member state.

15 b. Upon the dissolution of the compact, the compact becomes
16 null and void and shall be of no further force or effect, and the
17 business and affairs of the Interstate Commission shall be
18 concluded and surplus finds shall be distributed in accordance with
19 the bylaws.

20
21 Section 23. Severability and Construction.

22
23 a. The provisions of the compact shall be severable, and if any
24 phrase, clause, sentence, or provision is deemed unenforceable, the
25 remaining provisions of the compact shall be enforceable.

26 b. The provisions of the compact shall be liberally construed to
27 effectuate its purposes.

28 c. Nothing in the compact shall be construed to prohibit the
29 applicability of other interstate compacts to which the states are
30 members.

31
32 Section 24. Binding Effect of Compact and Other Laws.

33
34 a. Nothing herein prevents the enforcement of any other law of
35 a member state that is not inconsistent with the compact.

36 b. All laws in a member state in conflict with the compact are
37 superseded to the extent of the conflict.

38 c. All lawful actions of the Interstate Commission, including
39 all rules and bylaws promulgated by the Commission, are binding
40 upon the member states.

41 d. All agreements between the Interstate Commission and the
42 member states are binding in accordance with their terms.

43 e. In the event any provision of the compact exceeds the
44 constitutional limits imposed on the legislature of any member
45 state, such provision shall be ineffective to the extent of the conflict
46 with the constitutional provision in question in that member state.

47
48 2. This act shall take effect immediately.